N

App F IX 4

Previous References

1948-49
(ML)

File No 67-48
Serial Nos ~~22,24~~
27, 66

Later References

ML 128-50 (1-2)

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

R 52.

Part B for Rev 48

SUBJECT

Grant of a Site by The Bhadravati Town ML Cl to Janab B S Khajamoluddin of the place

To The D C Shimoga Dt
" Comptroller to Govt
forst, T ML Cl. Bhadravati

G O No L 6560-2/D 16-12-48

Sanctions

fs6

Serial No

Letter No M3 C 2390/44-45-Dy 9-9-46 from the Dy Commr, Shimoga Dt, requesting that his action in having suspended the resolution No 3 Dy 19-3-45, passed by the Bhadravati Town Municipal Council granting a site measuring 24 ft by 40 ft in the corner of the Chowdaguda Road & B H Road to one Mr B G Khaja Mohiadin at an upset price of Rs 200 may be approved

1 In the year 1943 Mr Khaja Mohiadin & Syed Mastan, Honorary Secy, the Mysore State Muslim League, Bhadravati, claimed their exclusive ownership of the land in question

"A"

The then Dy Commr, Mr G Suntara Rao, after inspection of the spot passed orders to the effect that the open space might be kept open as a living space to avoid complications & that it was for the Petitioners to establish their right over the land in a proper civil Court

The Dy Commr further ordered that the Municipal Council should not allow any alleged rights, by the parties, without the decision of a proper civil court

3 On a further application made by Mr Khaja Mohiadin, the Municipal Council Bhadravathi at their meeting held on 19-3-45 passed a resolution to the effect that the site might be granted to Mr Khaja Mohiadin at an upset price of Rs 200/- (This resolution is contrary to the orders of the Dy Commr in flag "A")

NOTL—Contn Sheet

4 On receipt of several objections Petitions

objecting the grant of land to Mr Khaja Mohiddin, the Dy Commr held an enquiry and after hearing the parties has come to conclusion that the action of the Mcl of Bhadravati is in violation of the instructions issued by the Dy Commr in 1943. "If"

2 The Dy Commr has therefore suspended the execution of the resolution of the Mcl under section 194 (1) "P" of the Mysore Town Municipalities 1933 - He requests that his action may be approved

3 If agreed, the Dy Commr Shimoga DC will be requested to ask the Mcl of Bhadravati to show cause why this orders suspending the execution of the resolution of the Mcl should not be confirmed

4 Kind reference is also invited to the judgment of the High court in regard to the ownership of the site in question "X"

5 The Law section will also be consulted in the matter, if agreed.

submitted for orders

6 The Dy Commr Shimoga has not stated in his order as to whether the resolution of the Bhadravathi Municipal Council is conducive to causing or occurrence to the public peace or is unlawful and therefore requires to be prevented. Further, before the order is confirmed, the Mcl should be given a reasonable opportunity of showing cause against the said order. This will be done. A draft letter is also put up for approval.

Revised

1394 Law

10) Is D.C. Competent to revise his order or ah back add to it now, even if it is found to be defective? What is the legal Effect of such a modification of the Order?

11) Further, What Value has the present order itself have is it Enforceable? Can Govt ask him to pass a revised order if so, under which rule or provision of the Act?

Govt

12) Further points may be urged by the parties

23/9/

Advocates
Lawyers

23/9 Mtg

Law Books

Law in 1975/46 if 1979 CPC 114) outdt

13) The facts of the case are explained in the report of the President of the Municipal Council Bhadrawati.

14) The present order of the Dy Comm not conforms the order passed by the

1394/law

person Dy Comm The reason given for such an order are that in view of the complications involved in the case and the fact that it is unlikely to result in being speedy, of the

15) The decision of the High Court referred to in para 7 supra - i.e. confirming the nature of the conference is not clear as the conference sheet is not available in the record

16) In the Dy Comm can if convinced by the order as for dismissal of Suit or on the evidence of an enquiry as contemplated under s 394 of the Pan Municipal Act of the passed order is contrary to the decision of the High Court or to any decision of a court of law binding the right of parties (which have not been available in the record,) then the such decision or civil court has to proceed

17) A THIS may kindly be processed

AOR see LR 67

fc 6/1

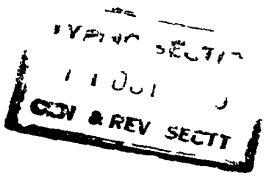
HHH 3/10 4/6/10

C 502 / ub-ur dt 9 10 — RRok — VJ266/L 3796 — Law

18) Pl write to DC Shimoga
Letter in Lr
4/Hrs

19) Submd with a draft letter for appr
KUB. 7/10

Jr. 8/10/46



To The Dy Commr Shimoga Dt
No L 4965 Dt 14-10-46
Requesting him to forward the Compromise deed

MSA 15/10

From
The D C Shimoga District
No M3 C 2390/44-45 Dt 25 2 47

Forwards a Copy of the Compromise deed in Second appeal No 248/41-42 of the High Court as called for in this office letter Dt 14 10 ub.

20) Submd with Reference to para 17 of the notes Supra The file may kindly be Referred to the Law Section again for opinion
10/8/47

21) In favour of opinion - Para 17 supra
Law Section 13/3/47

Jr 14/3

22) It is seen from the decree of the High Court in S A 248/41-42 (Fl G) and the compromise deed filed therein (Fl A) that the appeal was dismissed in accordance with the terms of the compromise deed

23) Mr Syed Ghaus, Secretary, Mysore State Muslim League contends (Fl B) that the Municipal Council had permitted the Muslims to use the said site as Asharkhana and that the grant in favour of Mr B G Khaja Mohideen is illegal It is seen, however, from the report of the Municipal President (Fl C) that no right of ownership as such is claimed in favour of the Muslims

24) The Deputy Commissioner ~~ordered~~ found that the site be kept as a 'lung space' His order was confirmed by his successor on 9-9-1946, (Fl H)

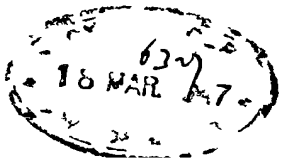
25) It is not clear from the papers whether there are any civil disputes pending (as suggested in the Deputy Commissioner's Order dated 17-5-1943) between the Muslims/community as such and Mr Khaja Mohideen so far as the rights of Mr Bhima Rao and others are concerned, the right of Mr Khaja Mohideen appears to be established by the decree of the High Court in accordance with the compromise deed

26) In the circumstances, whether or not the site should be kept vacant as ordered by the Deputy Commissioner appears to be a matter for decision by the Administrative Secretariat, ~~or~~ If there is any civil dispute pending between Khaja Mohideen and the Muslim community the result may be awaited

27) It was within the jurisdiction of the Deputy Commissioner to interfere under Sec 194 of the Town Municipalities Act if the execution of the

45 - V 7266

resolution of th unicipal C uncil was likely to cause injury or annoy nce to the ublic or lead to breach of peace



Lawsem) fo 18/3

8K 19/3

And Sec 1 S 9 WCC) fr 19/3

fr 19 3 wy

Mr Lawsem pl this & return

28) The opinion of the Law Secretary is for kind perusal

29) The Suspending of the Resolution of the Municipal Council under Sec 194(2) is warranted when the Resolution causes or is likely to cause injury or annoyance to the public or would lead to a breach of the peace or when it is an unlawful by itself

30) As the order of the D C does not State whether the Resolution of the Municipal Council was of the kind contemplated in the above Section and is defective in this respect, legal opinion was sought as to

T266/2

4136

its enforceability in its present form and the competency of the Dc to revise the order or at least to add to it in the event of its not being enforceable (vide paras 10 & 11 of the notes supra)

31) This point has not been made clear in the above note of the Law Secretariat

32) Submitted for orders

Hon 24/3/47

JN 27/3/47 33) The Law section may be requested to furnish opinion on the specific points raised in paras 10 to 11 of the notes above

Revised) Hon 28/3/47

Yes

24

Jn for opinion

35) Attorney Law section) Hon 3/4/47

for 5/4

36) Order C XII of the Municipalities Act read in the provisions of the General Clauses Act, the power to revise an order is implicit in the power to pass an order whether or not the order is justifiable under section 4 (1) of the Act and administrative matter

The second order of the Deputy Commissioner only confirms the old order. Even if an appeal exists to the other of the two, it is open to the Deputy Commissioner to

7265

General and Revenue Secretariat | File No | of 191

Serial No

interfere under sec 194 if the conditions are/as mentioned therein The principle to be followed have been enunciated in para 26 to 27 and it is for the administrative Secretariat to decide whether the circumstances call for any interference by the Deputy Commissioner under sec 144

9 APR 1947

Law Secy) fr 8/4

Ans Secy L S G) 37) fr 18/4
WC

see 7814

Mr M a Srinivasan
fr 18/4/47

38) Secy fr orders on the Reference to paras 10 and 11 of the notes Supra

Raa 28/4 39) According to the provisions of Sec 194 (2) proviso 1 of the Madras Act, an opportunity has to be given to the Madurai Municipal Council to show cause against the order of the Dist Collr (Mr George Matthan) dt 9.4.46 suspending the resolution dated 19 3 45 of the above Council in regard to the fixing the site to be kept Mr Thayar Mudaliar for an urgent date for hearing, before confirming or annulling the above order Mr Thayar Mudaliar Advocate will

Flag H

E-Contn Sheet

7266 V2 204

File No | of 194 | General and Revenue Secretariat

Serial No

according[ly] be requested to obtain
forward the same before the end of
May/47 - necessary [illegible]
5/5/47

40) The position may be
explained to the D C and he may
be asked to take action according
to the directions contained in
Section 194 by giving a reasonable opportunity
to the Bhadravathi Municipal Council
to show cause against this order
Chamberlain for
Rev & Comm) 6/5
2/5
7/5/47

41) 9/5
12/5
Dft letter please
7/5/47

42) Dft Letter to the D C Shimoga OK
& post up
No
13/5

43) Issue
7/5/47

OFFICE OF THE MINISTER FOR REVENUE
No. 9823
Dated 8 5 47

19 MAY 1947

D L 16356 dt 23 5 47
Ack & note contents

From

The Deputy Commissioner
Shimoga District, Shimoga

Letter No M3 6 2390/44-45 dated 8-11-45
furnishes the information called for

† Flag B 43) Sub It is stated that instructions conveyed in this office letter dated 23-5-47 were considered by the M L C Bhadravathi at its meeting held on 11 † 7 47 and a resolution was passed to request Govt to confirm the action of the M L C in granting the site to Mr B S Khaja Mohiddin at an upset price of Rs 200/- as already decided at its meeting held on 19 3-1945 It may be seen that the land in question was given to the said person at the upset price to compensate the loss sustained by him on account of two houses acquired from him some time back The decision of the High Court in respect of the land is in favour of the said person

† Flag A

44) The Deputy Commissioner has

7266 '2204 S 2446 3922
Tab 67 ML

not given his considered opinion in view of the resolution of the ML dated 11-7-1947 for orders whether the same may now be called for

45) Now that the Municipal Council have explained, the DC may be asked to state what he proposes in the matter

For 12/47

46) Yes, a sketch of the land with reference to the surrounding areas, showing the roads may also be marked whether the disputed portion of the site was ever in the possession of Mr. Syed Nasir Sahib S/o Shankaranarayana Rama ? for 16/1/48

47) Submitted with a draft letter to the DC Shimoga for approval

For 4-1-48

48) issued 16/1/48

Issued to the DC Shimoga in letter No L 12672/I dated 20-1-48

From the Deputy Commissioner Shimoga District

Letter No HSC 2390 | 41-42 dated 30th Sept 48

Furnishing the information called for

Suspension of the resolution No 3 Panchayat Bhadravati town held — re grant of site to Janab BS Khaja Mohideen —

49) The Sketch of the land in question with reference to the surrounding areas, buildings and roads is flagged B, and it is stated that the dispute of ownership between Sri Shankaranarayana Varma and Janab Khaja Mohideen is settled in view of the order of the High-court

50) Regarding the protest petition of Janab Syed Hasan, it is reported that the site in question which is by the side of the the main road - serves no useful purpose for the members public as it is surrounded by houses and etc (flag B)

51) The two sheds belonging to to Janab Khaja Mohiddin were assessed by the municipality for the slum clearance and one of the sheds was situated on the site in question

51) The council has resolved to grant to Janab Khaja Mohiddin the site at an upset price of Rs 200/— which is in addition to relinquishing the award amount of Rs 600/— due to him

Grant of site to Tamil Khaya-Holders 2446/ml
in Bhadravati town Hmcs/-

52) Other than these that a sum of Rs 800/- has been realised towards the Site, and the president reports that, though the value of the Site now is higher, the question of cancelling the resolution of the HCCD d 19th March 45 flag A does not arise

53) In the above circumstances the Dc Shimoga is of the opinion that the above resolution of the HCCD be given effect to, subject to the condition that he should construct a hawker shop, after leaving the required road margin on the two sides of the Site

54) Subs for orders refer to para 46

Supra — Telegrams dated 15 11 48 from
Dr 6/11 Tamil Nadu Congress for Shankaranarayana various of Shimoga. praying that the site now sold in Bhadravathi may not be given to Tamil Nadu Khaja Holders etc

grant of sk to Khaja Mohiddin, in Bhadrachalam 2746/me
town Mlg —

orders of the Minister L dg on
the above telegrams.

55) What has happened to this case?

x z

JSMOR 15/11/48

orders of the Revenue
refers at once
Secy of S A
16 11 48

56) The report received from the present D= through is for perusal. He considers that, in view of the facts stated by the Peishcar, Bhadrachalam Jamabandi

x a

in his report dated 14 9 48, the
Sate - in question may be given to
Janab Khaja Mohiddin, subject to
certain conditions in regard to the
Construction of the building thereon
It is stated that the contention of the

57) Sri Shankaranarayana Rama is
untenable in view of the High Court decree
and that of Janab Sajad Mohiddin cannot be
upheld as the site is by the side
of the main road and hence no

agreed √ 3/12

useful purpose

58) Pls see for orders whether, in view of the above fact, the Govt may not be accepted and the site in question granted to such Khoja Memorial, as requested by the Municipality

Transferred on 11/7/47

R

59) It may be approved

12/11/48

The minister

L.S 8

Office of the Minister for Local Self Government

No 2659

Date

60) The recommendation of the D.C Shimoga is accepted.

7/12/48 8 7/12

61) D.P.O. Mf 7/12/48

62) Submit a draft Govt proposal

8 8/12

approved

9/12/48

To,

The Deputy Commr Shimoga Dt

GO No L6560-2/ml 67-48-24

16-12-48

Sanctions the proposal

B

10/1/49

Reg. Post MI 55-46-13

No. M3 C 2390/44-45 Office of the Deputy Commissioner, Sept 1945
Shimoga District,
Dated Shimoga, 9th September 1945

To

The Secretary to Government,
Revenue Department
BANGALORE

Sir,

Subject - Suspension of the resolution No 3 dated 19th March 1945 passed by the Town Municipal Council Bhadravathi re grant of site measuring in the compound of the Chowaipuai Road and B H Road - 24' x 40' to Mr B S Khaja Mohiadin - Timber Merchant - at upset price

---

In forwarding herewith for favour of information of Government a copy of this office order No M3 C 2390/44-45 dated the 9th September 1945 suspending the resolution No 3 dated 19-3-45 passed by the Town Municipal Council Bhadravathi granting a bit of site in the corner of the Chowaipuai and B H Road - in Bhadravathi old Town at an upset price to one Mr Khaja Mohiadin, of the place I have the honour to state as follows -

The present grantee of the site Mr Khaja Mohiadin and Syed Hasten Honorary Secretary, the All India State Muslim League Bhadravathi having claimed their exclusive ownership of the land in question in the year 1943 the then Deputy Commissioner Mr M C Sundara Rao inspected the spot on 17th May 1943 and passed orders to the effect that the empty space might be kept open as a long space to avoid complications and that it was for the petitioners to establish their rights over the land in a proper civil court It was further ordered that the Municipal President should not allow any alleged rights by the parties without the decision of a proper Civil Court A copy of the order No M3 C D Dis C 2422 P 371/42-43 dated 17th May 1943 is enclosed for favour of reference

Subsequently Mr Khaja Mohiadin having applied for the grant of this bit of land in question the Municipal Council Bhadravathi considered the question at their meeting held on 19-3-45 and passed a resolution to the effect that the site measuring 24' x 40' might be granted to the petitioner Khaja Mohiadin at an up set price of Rs 200/- (vide Resolution copy enclosed for reference) Quite contrary to the instructions issued in this behalf on a previous occasion

P T O

Under the cover of the this resolution the Municipal President received the amount in question and granted a sale certificate to the part

Thereafter objection petitions were received in this office from 1 Syed Masten Secretary All Mysore State Muslim League Bhadra this and other public of the place stating that the site in question(which has been ordered to be reserved) has been granted for upset price to the Khoja Mohamain and that there would offer higher bids if the land is sold by public auction

I enquired in the matter in detail and heard the parties through their counsels

I ~~xxxxx~~ consider that the present action of the Municipal Council in having granted the site is not in order and it is in violation of the instructions conveyed to the Municipal ~~xxxxxxxx~~ Council in this office order No MS I Dis C 2422-P 371/42-43 dated 17-5-43 requiring them to keep the space open as a lung space

I am of opinion that it is desirable to keep the site open as opened by My Predecessor in Office I have therefore suspended under Section 194(1) of the M I Act the execution of the resolution No 3 dated 19-3-45 passed by the Municipal Council Bhadravati

I request that my action in this respect may kindly be approved The entire records accompany for your of reference

I have the honour to be
Sir
Your most obedient servant

Deputy Commissioner
Shimoga District

CE

LU965/R & 14 10 46

To The Dy Commr, Shimoga Dt,

Sir,

With reference to your letter No M3 e 239/ 44-45 & 9-9-46 in the matter of suspending the resolution No 3 dated the 19th March 1945 passed by the Bhadravati Town me cl granting a site measuring 24ft by 40 ft in the Corner of the Chowdiguda Road & B H Road to one Mr B S Khaja Mohadin at an upset price of Rs 200/-, I am directed to invite reference to a copy of the High Court order in Second Appeal No 248/ 41-42 on the subject, enclosed with the records & to state that the decree of the High Court is a Compromise decree & the nature of the Compromise is not clear as the Compromise deed is not available in the records sent by you I am therefore to request you to send the Compromise deed in question for the perusal of Govt

The record accompany for reference & retransmission

I have etc

for Secy to Govt
Rev Dept

Appendix F G —1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the 194

Date of issue 30 10 46

signed by

List of enclosures

Copied by

Examined by

Section

File No

Serial No

No L 5298/Encl me

To

The Dy Commr Shimoga Dt

Sir,

In continuation of this office letter No L4965 Dt 14-10 46 in the matter of suspending the resolution No 3 dated the 19th March 1945 passed by the Bhadravati town me el, granting a site measuring 24ft by 40ft in the corner of the Chowdaguta Road & B H Road to one Mr B S Khaja Mohadin at an upset price of Rs 200/-, I am directed to forward herewith in original a Pet dated the 19-9-46 received from one Mr S B Shankaranarayana Varma Shimoga contra protesting against the

WD 02 45—GPB—2,000—24 6 46

Grant of the Land to Mr Khaja Mohamed

to request you to kindly forward
detailed
a report on the matter Several pts regd in these

The petn may also be kindly
returned with your report early

Thanking etc

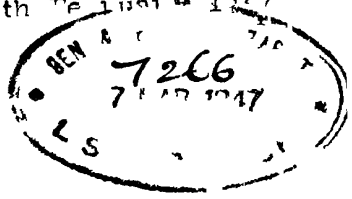
from

for secy to Govt

Mr Revenue

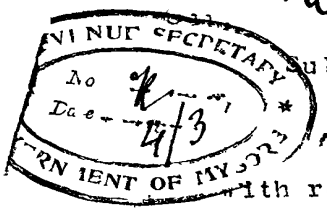
No C 2390/44-45
Enclosure File of Records

Office of the Deputy Commissioner
Dated Bangalore 25th February 1947



To

The Secretary to Government
Revenue Department
BANGALORE



Subject - Suspension of the resolution No 3 dated 19th March 1945 passed by the Sheorapatna Municipal Council-

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With reference to our letters No L 4965 dated 14th October 1946 and L 5298 dated 30th October 1946 on the above subject requesting him to examine the compromise decree referred to in the High Court Order in second appeal No 248/41-42 etc I have the honour to state that a copy of the compromise decree under reference which is received from the President Sheorapatna Municipal Council is enclosed herewith for information and disposal of reference

As regards the detailed report called for in our letter No L 5298 dated 30th October 1946 on the petition of one B S Shankaranarayana Rao of Channapatna Town proposing against the grant of the site to Khaja Shaikh I have to state that a detailed report was called for from the Municipal President Sheorapatna on the points urged by the petitioner B S Shankaranarayana Rao and the same is forwarded herewith for reference

The detailed report received from the President Sheorapatna Town Municipality vide his letter No C C 104/46-47 dated 23rd October 1946 is forwarded herewith for information and disposal

The circumstances under which the resolution of the Municipal Council Sheorapatna dated 19-3-45 was suspended by my predecessor in office has been explained by him in the last para of the order No C 2390/44-45 dated 21st September 1946

The entire records received with our letter No L 4965 dated 14th October 1946 as also the petitions received with our letter No L 5298 dated 30th October 1946 and report No L 5298 dated 31-10-46 are returned herewith

[illegible] Government in the matter [illegible] be communicated.

I have the honour to be
Sir
Your most obedient servant

[illegible]
Deputy Commissioner
[illegible] District
(Alexander Phipps)

No L 1638/W R

Dt 22/5/47

To

The Dy Comm Bhadravathi

Subject Suspension of the Resolution No 3 dated 19 3 48 passed by the Bhadravathi Town Municipal Council

—

Sir

With Reference to the Correspondence ending with your letter No 2390/44 us dt 25.2.47 on the above subject, I am directed to state that, under the proviso to cl (2) of 1933, Town Municipalities Act 1947 opportunity has to be given to the Bhadravathi Town Municipal Council to show

as to why the order
Cause ~~against~~ ~~by~~
Suspension
No 245 Resolution dated
1945 in Regard to the grant
of the Site to Mr Khaja Mohiddin
for ~~one~~ may not be ~~recommended~~ ~~before~~ ~~N~~ ~~Confirmed~~ upset price of Rs 200/-
~~Order~~ ~~Same~~ I am
You therefore to ~~be~~ ~~heard~~, take
action accordingly to give
the Bhadravathi Town Municipal
Council ~~to Show Cause~~ a
Reasonable opportunity to Show
Cause against the order and to
Report Result to Govt
We record accompany
I have the
honour
to Request
the
13/5/47

No. M3 C 2390/47-45
Encls. File of papers

Office of the Dept. Commissioner
Shimoga District
Dated Shimoga 8th October 1947

To

The Secretary to Government
Revenue Department
BANGALORE

Sir,

Subject - Suspension of the resolution No 3 dated 19th March 1945 passed by the Bhadravathi Town Municipal Council

With reference to our letter No L 16356 dated 23rd May 1947 on the above subject requesting me to take action under the proviso to clause (a) of section 194 of the Town Municipalities Act 1933 and to issue a peremptory mandate to the Bhadravathi Town Municipal Council to show cause as to why this office order dated 9th September 1945 in regard to the grant of the site to Mr Kongo Ohkoyan on an upset price of Rs 200/- might not be recommended to be confirmed by Government etc I have the honour to state that action has been taken accordingly

The Municipal President reports that the instructions contained in our letter under reference were considered by the Municipal Council at its meeting held on 11-7-47 when a resolution was passed to the effect that in the light of the circumstances indicated in the body of the resolution that Government might be requested to kindly confirm the action of the Municipal Council in granting the site to Mr B S Kongo Ohkoyan at an upset price of Rs 200/- as already decided in its meeting held on 12-3-45 - Vide resolution copy enclosed for perusal & reference

The circumstances under which the original resolution of the Bhadravathi Town Municipal Council was suspended (by my predecessor in Office - i Good Mattoon Esq) have already been explained in the body of the order No M3 C 2390/47-45 dated 9th September 46

In the circumstances explained above I request the favour of orders of Government in the matter

The entire records received with our letter No L 16356

p t o

103 C dated 23rd [illegible] 1947 and the letter No M C 17/47-48 dated 12th Jul 1947 in original received from the Divisional Pioneer Officer on receipt of [illegible] of the reference

I have the honour to be
Sir
Your most obedient servant

[signature]

Deputy Commissioner
Simla District

No M3 C 2 390/44-45

Office of the Deputy Commissioner,
Shimoga District,
Dated, Shimoga, 19th December 1947

To

The Secretary to Government,
Revenue Department,
BANGALORE

3922/M
8 JAN

Sir,

Subject - Suspending the resolution of the Bhadravathi Town Municipal Council granting land to Mr B S Khaja Mohaddeen

With reference to your letter No L 1127 dated 29-11-47 on the above subject, I have the honour to invite your kind reference to this office letter No M3 C 2390/44-45 dated 11th November 1947 with which a reply was forwarded to you in the matter, along with the connected file of records (under registered post)

2446

I have the honour to be,
Sir,
Your most obedient servant,

for Deputy Commissioner,
Shimoga District

(Absent from Head quarters)

CL

Sub'd file bearing No 2446 on the subject
was submitted on 11/12/47 and the same has not
yet come back with orders

File Sub'd 11/12
R. Id 17/12
Returned 5/1

Instructions obtained
10/1/48

Please place this on
the "Sus file no
2446 marked Sus
on 21-1-48

Please bring up for instns
8/1/48

C No
Ref on Pet No } 19 —19
App No

Dis No

Enclosure Dated

Approved on

Copied on by

Examined on by

Signed on Despatched on

Entered in--

Current } Register on
Petition }
Appeal } By

Periodical

Reminded on

WD 0639—GPB—75 00—15 6 45

DRAFT

To L 12672/R
20/1/48
The The Deputy Commissioner
Shimoga Dt
Shimoga

Docket Abstract

Suspension of the Resolution No 3 dated 19-3-45 passed by the Bhadravathi Town Municipal Council re grant of site to Mr B S Khaja Mohiddin

Sir,

With reference to your letter No M3 C 2390/44-45, dated the 8th Nov 1947, on the above subject, I am directed to request you ~~to~~ kindly to intimate what further action is proposed to be taken by you in the matter in the light of the explanation furnished by the Bhadravathi Town Municipal Council for giving effect to the resolution No 3 dated the 19th March

1945 A Sketch of the land in quest-
ion with reference to the surrounding
~~areas~~ buildings, and the roads etc
may also be kindly arranged
to be sent for reference

2 I am ~~instd~~ to invite your reference
in this connection, to this office ~~letter~~ Letter Nos
L 5298 dated the 30th October 1946
and No L 5358 dated 31st October 1946
forwarding re protest petitions of Messrs Syed
Mastan and Shankaranarayana Varma
for report, and to request
the favour of your definite opinion
in the matter, with reference to these petitions
records accompany
I have etc

for 10/11/48
for Secretary to Govt
Revenue Department

Rec'd 12/11/48

Ml 2746

No. A. 2690- /44-45 Office of the Deputy Commissioner,
Land Records Shimoga District,
Ml 67-48-22 Dated, Shimoga, October 48

To

The Secretary to Government,
Revenue Department,
BANGALORE

Sir,

Subject - Suspension of resolution No 3 dated 19th March 1945 passed by the Bhadravathi Town Municipal Council regarding Grant of site to Janab B Khaja Mohiddin

With reference to your letter No L 12672 dated 20-1-48 requesting to intimate what further action is proposed to be taken on the above subject I write to state that 1) the sketch of the land in question with reference to the surrounding buildings and the roads is enclosed

2 The dispute of ownership between Sri Sankaranarayana and Janab Khaja Mohiddin is extinguished in view of the order of the High Court which was filed by Janab B Khaja Mohiddin

3 With reference to petition of Janab Syed Mohiddin Mastan for reserving the area for the Muslim public to assemble during religious festivities etc it was found during the spot inspection by me on 8-6-1948 that the site is by the side of the main road and serves no useful purpose if reserved as there are houses on two sides and public roads on the remaining two sides

One Janab I Abdul Azeez has submitted applications on 22-1-48 and 9-7-48 praying for the disposal of the site in public auction The petition was forwarded to the President, Municipal Council for report the letter of the President No L C 15/47-48 dated 14-9-48 is enclosed for ready reference It is stated therein that two sheds belonging to Janab Khaja Mohiddin were acquired and one of the sheds was on the site in question The acquisition proceedings were instituted with the object of clearing the slum in the locality The Municipality after acquisition decided to give sites to the persons from whom it was acquired for construction of decent houses In accordance with the above policy of the Municipality it was decided to grant the site to Janab Khaja Mohiddin at an upset price of Rs 200/- This is in addition to relinquishing the award amount of Rs 600/- due to him The amount of 200/- has been deposited by him and an agreement relinquishing the award amount of Rs 600/- is also executed The President strongly recommends the grant of land to Janab Khaja Mohiddin in exchange to compensate the loss sustained on

en on account of his sites being acquired

Under the above circumstances I am of opinion that the case of Sanabriaja Kohallin deserves consideration and the resolution may be given effect to He site may be given subject to the condition that he should construct house of shop after leaving the required road margin on the two sides xxx on which the site is bound by roads

The entire records are enclosed

Yours faithfully,

for Deputy Commissioner,
Shimoga District
(Absent from Head-quarters)

2

C
TH I
LOCAL LF G V

GENERAL & REVENUE SECTION 3748 1948

15/11/48
1260
12 noon

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

D

NOTICE

Date 16/11/48

Charge to pay
Rs | As

Office Stamp

This form must accompany any inquiry made respecting this telegram

Handed in at (Office of Origin)	Date	Time	Service Instructions	Words

TO Local Self govt

Recd. here at H M

Pray not to confirm the st
to Rh ... Bangalore
What has happened to the Bharadwaja records are before gaut wounds
This case) feelings of muslims pleuras &c

15/11/48

b —The name of the Send r if telegraphed is written after the text

Th & Co Ltd Madras—15 10 48—68 900 Books

Reply at once 16/11 16/11/48

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

NOTICE

This form must accompany any inquiry made respecting this telegram

Charge to pay

Rs	As

Office Stamp

Handed in at (Office of Origin)	Date	Hour	Minute	Service Instructions	Words

TO

Recd. here at H M

Suspension ordered Convenience

by-desa -

N B —The name of the Sender if telegraphed is written after the text

Th & Co Ltd Madras—15 10 48—68 900 Books

15/11/48
1 PM.

61

O. L. H.

THE LOCAL SELF GOVT. No 1261

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

SMO 30

NOTICE No P 16/11/48

This form must accompany any inquiry made respecting this telegram

Charge to pay Rs	As	Office Stamp

Handed in at (Office of Origin)	Date	Hour	Minute	Service Instructions	Words
Shimoga	15	11	40		29

TO L. S. G. Minister Bangalore

Recd. here at	H	M
12/15		

Pray not to grant site 5-12- Bhadravati Khanjamoddin grant by municipality was suspended

Re 12/11/48 received

NB—The name of the Sender, if telegraphed is written after the text

Th & Co Ltd Madras—15 10 48—68 900 Books

P 16/11/48

previously my ~~letter~~ objection petition is before govt = shekar narayanarao

G R S App I VI—G 2]

SUBJECT

4 Copies

Section MR
File No 67-48
Serial No 24

Diary No of letter replied to 2766

General and Revenue Secretariat

( )

the *194*

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 16-12-1948

Signed by Sri G R Rao

Read— Correspondence ending with letter No H3C 2390/44-45 dated 30th Sept 48 from the Deputy Commissioner, Shimoga District recommending sanction to the ~~resolution~~ dated 19345 and 11 & 47 of the Bhadravati Town Municipal Council regarding the grant ~~Order thereon.—No.~~ of a site measuring 24 ft by 40 ft in the corner of Chabbi gate Road and the B H Road to Janab B S Khayamuddin of the place, at an upset price of Rs 200/—, subject to the condition that he should construct a shop or

May this be—

(i) printed ?

(ii) treated as a Standing Order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the Press ? of

(iv) published in the Gazette Kannada Part ?

sure after leaving the required
ad margin on the two
les of the said site ~~road above~~
order No h 6560-2
Dated Bhusawal 16-12-48
Sanctioned—

for Secretary to Govt
of Bombay PWD

To

The Deputy Commissioner Shri Dhulia R
Comptroller ——
President Town Hall Bhadrawati—

List of Inclosures

Copied by

Examined by

WD 04162—GPB—60 000—23-10-41

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

READ

Correspondence ending with letter No M3 C 2390/44-45 dated 30th September 1948 from the Deputy Commissioner, Shimoga District, recommending sanction to the resolutions dated 19th March 1945 and 11th July 1947 of the Bhadravati Town Municipal Council regarding the grant of a site measuring 24 ft by 40 ft in the corner of Chowdigudi Road and the B H Road to Janab B S Khajamohiddin of the place, at an upset price of Rs 200/- subject to the condition that he should construct a shop or house after leaving the required road margin on the two sides of the said site

---

ORDER NO L6560-2/ml 67-48-24

Dated, Bangalore, the 16-12-48

SANCTIONED

By Order,

General Secretary to Government.

To

The Deputy Commissioner, Shimoga District, with records
" Comptroller to Government
" President, Town Municipal Council, Bhadravati

2210
L

~~Petition~~

Appeal petition of 19-9-46 from one
Mr S B Shankaranarayana Varma
Son of S Bhima Rao, carpenter
street, Shimoga praying that Site
No 512 at Bhadravathi may be
ordered to be sold in public auction
& not to be given to one Mr
Khaja Mohadeen, as proposed
by the local authorities

If approved, a report will be
called for from the D C Shimoga
first in the matter. Subs

Ma 10/10/46 There is a file worked
up on this subject by me &
already PC gave this Forum
for being ~~made available~~ put
up with that file.

Sd/- V Viswanatha

Sent with the Connected file of appeals, this will be placed in the main file below.

Ms
21/10

PC put up appeal letter for it to the
Dc Shimoga Asst for report

Sd/- Illegible

2204/2496 & 3040

Submitted with a draft letter for appl

1146 -
22/10

To The Dy Commr Shimoga Dt
No L 5298 Dy 30 10 46
Forwards the Petn & calls for a report

CITY & REV SECT.

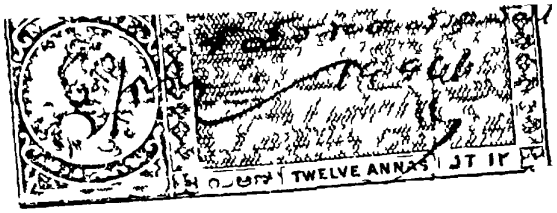
Petn Dy 22 10 46 from Mr B S Khaja Mohadin, Shimoga requesting early orders confirming the sale in his favour

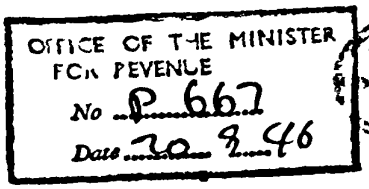
Sites for orders whether this petn may also be sent to the Dy Commr, Shimoga Dt in continuation of the former petition of Mr Shankaranarayana Varma at Memo on the petn forwarding it to the Dy Commr Shimoga Dt, in continuation to the put up for orders

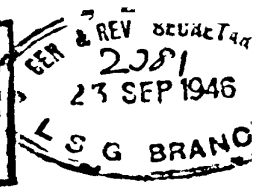
1168 -
31/10

Issued no L 5358 Dy 31 10 46

2/11







The Minister (Municipalities Port-folio)
Govt of Mysore
Bangalore

Petitioner:- S B Shankaranarayana Varma
son of S Bhimarao, Carpenter
street, Shimoga.

Petitioner above-named most humbly and respectfully begs leave to submit as follows:-

1 House site in Bhadravati Town bearing No 512 was the subject matter of litigation between petitioner's father Badagi Bhimanna and one Ahmed Sherrief The Civil case ended in petitioner's father's favour Petitioner became entitled to the assets of his father after the said Bhimanna died

2 During the life time of the petitioner's father the said site had been once acquired by the Bhadravathi Municipality

The opponent of the petitioner's father in civil litigation i e one Khaja Mohadeen of Bhadravathi has been trying by influencing the authorities concerned, to purchase for nominal value the said site acquired previously by the Municipality alleging to be for some public purpose But now the Municipality of Bhadravathi is attending to sell the said site to Khaja Mohadeen for a nominal sum as some of the councillors and the president of the Municipality are closely moving as friends with the said Khaja Mohadeen.

4 If the site is to be sold by the Municipality the petitioner is anxious to have the site which originally belonged to his family and lost owing

to

D 381
L

ulterior forces working against his father.

5 The petitioner is prepared to buy for a sum not less than 1400/- which was the offer of the petitioner's father during his life time

6 The site is in important locality on P H Road near Railway station Bhadravati and if sold by auction fetches very heavy sum

Therefore the petitioner most respectfully prays your Honour to direct Bhadravathi Municipality to sell the said site in open auction with due intimation to the petitioner and not to sell it to Khaja Mohadeen as contemplated by the Municipality

S B Shama Karanth for yours Varma
Petitioner

19-9-46

The Connected file on the subject has been sent to the Law section for opinion and its return will be awaited

26/9.

May be placed in the main file when it is received back with orders

For 27/9/46

T 620
T 12.46

Mr Syed Mustan, Vice-President, Bhadravati Branch of the All-Mysore State Muslim League prays that the site in B H Road leading towards Choudigudi Road, may be given for keeping Panja during Muharram etc.

Rev Secy

The Home Minister,
Bangalore

Respected Sir

HOME & REV SECRETARIAT
4508
9 DEC 1946
L & G BRANCH

We beg to bring to your kind notice the following few lines for favour of kind consideration and early orders

The Musalmans of Bhadravati are keeping Panjas, in a vacant site on B H Road side leading towords Choudigudi Road from 20 to 30 years since, during Moharam In the year 1933 it was represented to the then Devan Saheb that the said dite was insuficiant for the festival and the adjoining small site (hut) of Mr Bheemanna be aquired and given to the said purpose of Building a perminent Ashurkhana, to keep Panjas In the year 1938 the hut was aquired by the Municipality and it was not given to the said purpose It was again represented to the Devan Saheb and to the DeputyCommissioner

The Deputy Commissioner gave us an acconoledgement on 26-3-1940 for our application in which it was stated that the papers have been sent to the Municipal President, Bhadravati The President of Municipa ity, gave an endorsement on 12-4-40 We appled to the Revenue Commissioner and Devan Saheb, that we are not satisfied with the orders of the Municpa ity and the said site should be taken over by the Mujaray Department and Should be hande over to us perminently for the said purpose, and this was on 4-12-1943 On 14- 12- 1940 DC No 227 we received endorsement that the papers have been sent up to the Municipal President again Finally the Municipal President, Gave us orders that the site may be used perminently for the purpose

Municipality in the year 1943 resolved that the said site should be given to one Mr Krishnaswamy and we protested against this resolution The Deputy Commissioner paid a visit to the spot and ordered that the site should be kept vacant and should not be given to Krishnaswamy, and we learnt that there was misrepresentation from by the-than Vise-President that the intention of ours was to build a Mosque and not Ashrukhana In view of this misrepresentation the DistrictX Magestrate ordered that the site should be kept vacant In the year 145-46 the Municipality has sold the said dite to one Mr Khajamohiyudeen for a sum of 100/- Rs. We petitioned to the Deputy Commissioner about this act of Municipality Stay orders were issued to the party tha the site should not be used At the same time the previous owner of the hut Mr Bheemamma, filled a petition to the de uty Commis ioner stating tha the said site was taken from him for public work and if it is being disposed of it should be given over to him for a sum of 1500/- Rs

In the mean while the said Khajamohiyudeen has given the site for a Malabari to put up a shop and is realising a sum of 6/- Rs as rent from him In therest of the site he as stored his materials as size stones and Jalli This matter has b been brought to the notice of the Municipal authoritirs and the municipa President who are not taking cognisence of our compaints There is scop to think that thabe should be some underhand dealings between the Municipality and the party Otherwise there is no reasen why a site valued more than 1500/- Rs should be sold to 100/- Rs We also learn that the Municipa ity has recommended the case of Khajamohiyudeen to Government

This year we had under go lot of inconveniance due to

the space shotage to keep Panjas in this No area as there was no sufficiant space and the whole area has been even now occupied by the Malabari shop and the materials of Khajamohiyudeen

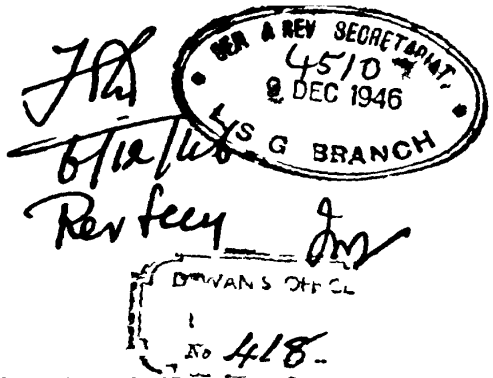
In view of the circumstances explained above we pray that the said site should be taked from the possession of the Municipality and given to us permanently for keering Panjas and erecting a perminent Ashrukhana, in accordence with the orders of the Devan Saheb and the Deputy Co missi ner passed on 14-12-40 MC No 227/30-40

Bhadr vati
Date 3-12-1936

Yours faithfully
Syed Mustan
Vice-President
All Mysore State Muslim League
(Bhadravati Brarch)

Copy to The General Secretary to Govt Bangalore

To No 418



The Devan of Mysore,
B a n g a l o r e

Respected Sir,

We beg to bring to your kind notice the following few lines for favour of consideration and early orders

The Musalmans of Bhadravati from 20 to 30 years since in a vacant site in B H Road leading to Choudigudi Road, Panja is being kept each year at the time of Moharam In the year 1933 it was represented to the then Devan Saheb that the said site was insuficiant for the festival and the adjoining small hut of Mr Bheemanna be aquired and given to the said purpose(Building a permirent Ashrafkhana to keep Panjas) In the year 1938 the hut was aquired by the munisipality and it was not given to the said purpose It was again represented to the Devan Saheb and to the Deputy Commissioner

The Deputy Commissioner gave us an acconoledgement on 26-31940 for our application, in whcih it has been stated that the papers have been sent to the President, Of Municipality The President of the Municipality gave an endorsement on 12-4-40 Again on 20-10-40 we submitted that the said site should be given perminently for erecting Ashurkhana The acconoledgement dated 24-10-46 No 1383/40-41 was granted to us Subsequently on 14-12-4 /C227/39-40 was received from the Deputy Commissioner, stating that papers have been sent up again for to Municipal President Finally Orders were given by the Municipal President that the site may be used perminently for the purpose, but Panjas should not be kept perminently and should be kept only during Moharam

We appealed to the Revenuw Commissioner and the Devan Saeb that we are not satisfied with Orders and the said site shoudd be taken possession by Mujray Department and should be handed over for the said purpose, because the Municipality may give away the site to some body

Municipality in the year 1943 resolved that the said site should be given to one Mr Krishnaswamy and we pretested for the same The Deputy Commissioner paid a visit to the spot and ordered that it shall not be given to Mr Krishnaswamy and shall be kept vacant and used for keeping Panjas during Moharam and Used for Ashurkhana In the year 1945-1946 the Municipality sold the site to one Mr Khajamohiudeen for 100/-Rs We petitioned to the Deputy Commissioner about this act of Municipality Stay orders were issued to the party saying that the site shoudda not

be used At the same time the previous owner Mr Bheemanna filled a petition to the Deputy Commissioner stating that the said site was taken from me and if it were to be used for public purpose it can be used othervise the same may be given to me back for a sum of 1500-0-0 Rs

In the meanwhile The said Khajamohiudeen has given the site for a Malbari, to put up a shop and is realising rent from him to the extent of Rs 6/- In the rest of the site he has put in his own materials such as size stones and Jalli This matter has been brought to the notice of the Municipal president and the Sanitary Inspector whom has not cared for our representation There is scop for suspision to think that there must be some underhand dealing between the Municipal authority and the party, othervise there is no reason why a site valued more than 1500/- Rs should be given to 100/- Rs We also learn that there has been recommendation to the Government by the Municipality in favour of Khajamuhiyuddeen

In view of the circomstanses explained above we pray that the said site should be taken from the posession of the Municipality and given to us perminently for the use of AshurfKhana, in accordence with orders of the Devan Sahib and the Deputy Commissioner passed on 14-12-40 MC No 227/39-40

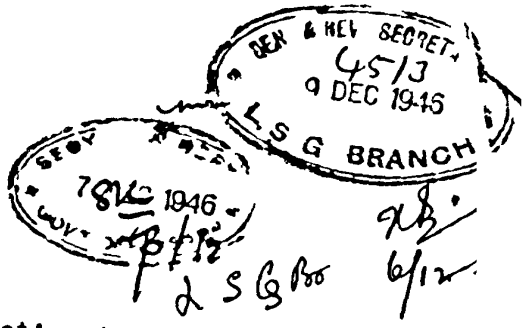
Yours faithfully,
Syed Mustafa
Vise-President
All Mysore State Muslim League
Bhadravati

Bhadravati
Date 3-12-46

Copy to Deputy Commissioner, Shimoga District Shimoga
Secretary to Government Local-Self and Health Department
Bangalore

To

The Home Minister,
Bangalore



Respected Sir,

We beg to bring to your kind notice the afollowing f- lines for favour of kind consideration and early orders

The Musalmans of Bhadravati are keeping Panj vadi Road, vacant site on B H Road side leading towards the said dite from 20 to 30 years since, during Moharam year 1933 it was represented to the then Devan Sahe joining small site was insuficiant for the festival and given to the said purpose (hut) of Mr Bheemanna be aquired, to keep Panjas In the year of Building a perminent Ashurk Municipality and it was not given 1938 the hut was aquired by to the said purpose It again represented to the Devan Saheb and to the DeputyCommissioner

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Municipality in the year 1943 resolved that the said site should be given to one Mr Krishnaswamy and we protested against this resolution The Deputy Commissioner paid a visit to the spot and ordered that the site should be kept vacant and should not be given to Krishnaswamy, and we learnt that there was misrepresentation from by the than Vise-President, that the intention of ours was to build a Mosque and not Ashrukhana In view of this misrepresentation the DistrictM Magestra e ordered that the site should be kept vacant In the year 145-40 the Municipality has sold the said dite to one Mr Khajamohiyudeen for a sum of 100/- Rs We petitioned to the Deputy Commissioner about this act of Municipality stay orders were issued to the party that the site should not be used At the same time the previous owner of the hut Mr Bheemanna, filled a petition to the de uty Commissioner stating that the said site was taken from him for public work and if it is being disposed of it should be given over to him for a sum of 1500/- Rs

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P T O.

the space shortage to keep Panjas in this No area, as there was no sufficient space, and the whole area has been even now occupie by the Malabari shop and the materials of Khajamohiyudeen

In view of the circumstances explained above we pray that the said site should be taken from the possession of the Municipa lity and given to us perminently for keeping Panjas and erecting a perminent Ashrukhana, in accordence with the of the Devan Saheb and the Deputy Commissioner passed ... No 227/36-40

Bhadravati
Date 3-12-1936

Yours faithfully,
Syed Mustan
Vice-President
All Mysore State Muslim League,
(Bhadravati Branch)

Copy to: The General Secretary to Govt Bangalore

This may perhaps be shown to the Home Secy
D
6/12
6/12

SECRETARIAT
9 DEC 1946
L S G BRANCH

The Devan of Mysore,
B a n g a l o r e

Respected Sir,

We beg to brang to your kind notice the following few lines for favour of consideration and early orders

The Musalmans of Bhadravati from 20 to 30 years since in a vacant site in B. H Road leading to Choudigudi Road, Panja is being kept each year at the time of Moharam In the year 1933 it was represented to the then Devan Saheb that the said site was insufficient for the festival and the adjoining small hut of Mr Bheemma be aquired and given to the said purpose(Building a permanent Ashrafkhana, to keep Panjas). In the year 1938 the hut was aquired by the munisipality and it was not given to the said Devan Saheb and to the Deputy Commissioner, in represented to the

The Deputy Commissioner gave us an acconoledgement on 26-3-1941 for our application in whcih it has been stated that the papers have been sent to the President, Mf Municipality The President of the Municipality gave an endorsement on 12-4-40 Again on 23-10-40 we submitted that the said site should be given permanently for errecting Ashurkhana The acconoledgement dated 24-10-40 No. 1383/40-41 was granted to us Subsequently on 14-12-40 No.3227/39-40 was received from the Deputy Commissioner, stating that papers have been sent up again now to Municipal President Finally orders were given by the Municipal President that the site may be used permanatly for the purpose, but Panjas should not be kept permanently and should be kept only during Moharam

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In view of the circomstanses explained above we pray th the said site shoudd be taken from the posession of the Municipal and given to us perminently for the use of AshurfKhana, in accordence with orders of the Devan sahib and the Deputy Commissi passed on 14-12-40 MC No 227/39-40

Yours faithfully,
Syed Mustan
Vise-President
All Mysore State Muslim League,
Bhadravati

Bhadravati
Date 3-12-46

Copy to Deputy Commissioner, Shimoga District, Shimoga
Secretary to Government Local-Self and Health Department
Bangalore

Appendix E (—1]

SUBJECT

Diary No of letter replied

Section

File No

Serial No

General and Revenue Secretariat

( )

the 194

To

The Dy Commr, Shimoga Dt

Sir,

With reference to your letter No M3 C2390/44-45, dt 9-9-46 in the matter of suspending the resolution No 3 dated the 19th March 1945 passed by the Bhadravathi Town mal cl granting site measuring 24ft by 40ft in the Corner of the Chowdaiyah Road & B H Road to one Mr B S Khaja Mohiuddin at an upset price of Rs 200/-, I am directed to request you to state that You have not stated in your order dt 9-9-46 as to whether the above resolution of the Bhadravathi Town Cee

Date of issue

Signed by

List of enclosures

Copied by

"N"

Examined by

WD 0874—GPB—5 000—20-1 -46

[illegible] or is likely to cause injury or annoyance to the Public or would lead to a breach of the peace or is unlawful and - that therefore it requires to be suspended. This defect may [illegible] kind of [illegible]

The ml el, Bhadravah may also be given an opportunity to show cause within a prescribed time under the proviso to section 144(2) of the Nagpur Town Halls Act & to why the order suspending the execution of this resolution of the ml el should not be rescinded or may be confirmed -

The records accompany

I have etc

[illegible] Secy to Govt
Rev Dept